

REMARKS

The present application was originally filed with 18 Claims. In a Restriction Requirement mailed December 8, 2005, the Examiner restricted the Claims into 35 Groups, as indicated below:

- I. Group I contains Claims 1-6, 9, 12 and 15-18, drawn in part to a subtilisin modified by an amino acid substitution at a position corresponding to position 7 in the sequence of subtilisin BPN';
- II. Group II contains Claims 1-6, 9, 12 and 15-18, drawn in part to a subtilisin modified by an amino acid substitution at a position corresponding to position 23 in the sequence of subtilisin BPN';
- III. Group III contains Claims 1-6, 9, 12 and 15-18, drawn in part to a subtilisin modified by an amino acid substitution at a position corresponding to position 26 in the sequence of subtilisin BPN';
- IV. Group IV contains Claims 1-6, 9, 12 and 15-18, drawn in part to a subtilisin modified by an amino acid substitution at a position corresponding to position 28 in the sequence of subtilisin BPN';
- V. Group V contains Claims 1-6, 9, 12 and 15-18, drawn in part to a subtilisin modified by an amino acid substitution at a position corresponding to position 29 in the sequence of subtilisin BPN';
- VI. Group VI contains Claims 1-6, 9, 12 and 15-18, drawn in part to a subtilisin modified by an amino acid substitution at a position corresponding to position 30 in the sequence of subtilisin BPN';
- VII. Group VII contains Claims 1-12 and 15-18, drawn in part to a subtilisin modified by an amino acid substitution at a position corresponding to position 31 in the sequence of subtilisin BPN';
- VIII. Group VIII contains Claims 1-3, 5-12 and 15-18, drawn in part to a subtilisin modified by an amino acid substitution at a position corresponding to position 47 in the sequence of subtilisin BPN';
- IX. Group IX contains Claims 1-3, 6, 12-18, drawn in part to a subtilisin modified by an amino acid substitution at a position corresponding to position 61 in the sequence of subtilisin BPN';

- X. Group X contains Claims 1-3, 5, 6, 9, 12-18, drawn in part to a subtilisin modified by an amino acid substitution at a position corresponding to position 66 in the sequence of subtilisin BPN';
- XI. Group XI contains Claims 1-3, 6, 9-12, and 15-18, drawn in part to a subtilisin modified by an amino acid substitution at a position corresponding to position 69 in the sequence of subtilisin BPN';
- XII. Group XII contains Claims 1-6, 9, 12 and 15-18, drawn in part to a subtilisin modified by an amino acid substitution at a position corresponding to position 73 in the sequence of subtilisin BPN';
- XIII. Group XIII contains Claims 1-6, 9, 12 and 15-18, drawn in part to a subtilisin modified by an amino acid substitution at a position corresponding to position 82 in the sequence of subtilisin BPN';
- XIV. Group XIV contains Claims 1-9, 12 and 15-18, drawn in part to a subtilisin modified by an amino acid substitution at a position corresponding to position 85 in the sequence of subtilisin BPN';
- XV. Group XV contains Claims 1-6, 9, 12 and 15-18, drawn in part to a subtilisin modified by an amino acid substitution at a position corresponding to position 88 in the sequence of subtilisin BPN';
- XVI. Group XVI contains Claims 1-6, 9, 12 and 15-18, drawn in part to a subtilisin modified by an amino acid substitution at a position corresponding to position 90 in the sequence of subtilisin BPN';
- XVII. Group XVII contains Claims 1-3, 5-9, 12 and 15-18, drawn in part to a subtilisin modified by an amino acid substitution at a position corresponding to position 92 in the sequence of subtilisin BPN';
- XVIII. Group XVIII contains Claims 1-6, 9, 12 and 15-18, drawn in part to a subtilisin modified by an amino acid substitution at a position corresponding to position 93 in the sequence of subtilisin BPN';
- XIX. Group XIX contains Claims 1-3, 5-9, and 12-18, drawn in part to a subtilisin modified by an amino acid substitution at a position corresponding to position 105 in the sequence of subtilisin BPN';
- XX. Group XX contains Claims 1-3, 5-9, 12 and 15-18, drawn in part to a subtilisin modified by an amino acid substitution at a position corresponding to position 113 in the sequence of subtilisin BPN';

- XXI. Group XXI contains Claims 1-6, 9, 12 and 15-18, drawn in part to a subtilisin modified by an amino acid substitution at a position corresponding to position 139 in the sequence of subtilisin BPN';
- XXII. Group XXII contains Claims 1-12 and 15-18, drawn in part to a subtilisin modified by an amino acid substitution at a position corresponding to position 148 in the sequence of subtilisin BPN';
- XXIII. Group XXIII contains Claims 1-6, 9, 12 and 15-18, drawn in part to a subtilisin modified by an amino acid substitution at a position corresponding to position 149 in the sequence of subtilisin BPN';
- XXIV. Group XXIV contains Claims 1-6, 9, 12 and 15-18, drawn in part to a subtilisin modified by an amino acid substitution at a position corresponding to position 150 in the sequence of subtilisin BPN';
- XXV. Group XXV contains Claims 1-3, 5-9, 12 and 15-18, drawn in part to a subtilisin modified by an amino acid substitution at a position corresponding to position 151 in the sequence of subtilisin BPN';
- XXVI. Group XXVI contains Claims 1-3, 6-9, 12 and 15-18, drawn in part to a subtilisin modified by an amino acid substitution at a position corresponding to position 174 in the sequence of subtilisin BPN';
- XXVII. Group XXVII contains Claims 1-6, 9, 12 and 15-18, drawn in part to a subtilisin modified by an amino acid substitution at a position corresponding to position 178 in the sequence of subtilisin BPN';
- XXVIII. Group XXVIII contains Claims 1-3, 5-9, 12 and 15-18, drawn in part to a subtilisin modified by an amino acid substitution at a position corresponding to position 200 in the sequence of subtilisin BPN';
- XXIX. Group XXIX contains Claims 1-3, 5-12 and 15-18, drawn in part to a subtilisin modified by an amino acid substitution at a position corresponding to position 201 in the sequence of subtilisin BPN';
- XXX. Group XXX contains Claims 1-3, 6, and 9-18, drawn in part to a subtilisin modified by an amino acid substitution at a position corresponding to position 203 in the sequence of subtilisin BPN';
- XXXI. Group XXXI contains Claims 1-6, 9, 12 and 15-18, drawn in part to a subtilisin modified by an amino acid substitution at a position corresponding to position 231 in the sequence of subtilisin BPN';

- XXXII. Group XXXII contains Claims 1-6, 9, 12 and 15-18, drawn in part to a subtilisin modified by an amino acid substitution at a position corresponding to position 233 in the sequence of subtilisin BPN';
- XXXIII. Group XXXIII contains Claims 1-3, 6, and 9-18, drawn in part to a subtilisin modified by an amino acid substitution at a position corresponding to position 258 in the sequence of subtilisin BPN';
- XXXIV. Group XXXIV contains Claims 1-6, 9, 12 and 15-18, drawn in part to a subtilisin modified by an amino acid substitution at a position corresponding to position 267 in the sequence of subtilisin BPN'; and
- XXXV. Group XXXV contains Claims 1-6, 9, 12 and 15-18, drawn in part to a subtilisin modified by an amino acid substitution at a position corresponding to position 273 in the sequence of subtilisin BPN'.

In a Response filed 23 December 2005, Applicant hereby elected the Claims in Group III (Claims 1-6, 9, 12 and 15-18) without traverse.

The Examiner has objected to the omission of SEQ ID NOs at page 19 and an incorrect SEQ ID NO: recitation at page 30. Applicant appreciates the Examiner's comments and have amended the Specification to correct these inadvertent errors. No new matter is added by these amendments, as they find more than sufficient support in the Specification as a whole. The Examiner has also maintained his provisional rejection under non-statutory obviousness-type double patenting over Claims 1-8 and 18 of co-pending application serial number 10/498,714. Applicant hereby provides a Terminal Disclaimer to overcome this rejection.

The Examiner's rejections are addressed below, in the following order:

- 1) Claims 2 and 3 remain rejected under 35 U.S.C. §112, first paragraph, as allegedly not meeting the written description requirement;
- 2) Claims 2 and 3 remain rejected under 35 U.S.C. §112, first paragraph, as allegedly not being enabled; and
- 3) Claims 1-3 and 15-18 remain rejected under 35 U.S.C. §102(e) and §102(f), as allegedly being anticipated by Estell *et al.* (US Pat. Appln. Pub. US 2005/148159).

1) The Written Description Requirement is Met

The Examiner has maintained the rejection of Claims 2 and 3 under 35 U.S.C. §112, first paragraph, as allegedly not meeting the written description requirement. While Applicant must respectfully disagree, in order to further the prosecution of the present application and Applicant's business interests, yet without acquiescing to the Examiner's arguments, Applicant has amended the Claims to recite that the protease variant is a GG36 variant. As the data provided in the Examples are from GG36 variants and include the presently claimed substitutions, there is more than sufficient support in the Specification for these Claims. Applicant respectfully submits that the pending Claims are fully supported by the Specification and that the written description requirement is met. Applicant respectfully requests that this rejection be withdrawn.

2) The Claims are Enabled

The Examiner has maintained the rejection Claims 2 and 3 under 35 U.S.C. §112, first paragraph, as allegedly not being enabled. While Applicant must respectfully disagree, in order to further the prosecution of the present application and Applicant's business interests, yet without acquiescing to the Examiner's arguments, Applicant has amended the Claims to recite that the protease variant is a GG36 variant. As the data provided in the Examples are from GG36 variants and include the presently claimed substitutions, there is more than sufficient support in the Specification for these Claims. Applicant respectfully submits that the pending Claims are fully enabled by the Specification and that the enablement requirement is met. Applicant respectfully requests that this rejection be withdrawn.

3) The Claims are Novel

The Examiner has maintained the rejection of Claims 1-3 and 15-18 under 35 U.S.C. §102(e) and §102(f), as allegedly being anticipated by Estell *et al.* (US Pat. Appln. Pub. US 2005/148159). As indicated above, while Applicant must respectfully disagree, in order to further the prosecution of the present application and Applicant's business interests, yet without acquiescing to the Examiner's arguments, Applicant has amended the Claims to recite that the protease variant is a GG36 variant. While Estell describes modifications of *B.amyloliquefaciens* subtilisin, there is no disclosure of the GG36 variants presently claimed. Thus, the Estell application does not anticipate the presently claimed invention. Applicant respectfully requests that this rejection be withdrawn.

All of the grounds of the Examiner's rejections have been addressed and in view of the above remarks, the Applicant believes the pending Claims are in condition for allowance and issuance of a formal Notice of Allowance at an early date is respectfully requested. If the Examiner has any questions regarding the present application he is encouraged to contact the undersigned.

Respectfully submitted,

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